

### **REMARKS**

Claims 1-78 are pending in the specification. The Abstract as well as claims 1, 15, 46, and 76 have been amended. Claim 5 has been cancelled. No new matter has been added.

Applicant requests reconsideration of this application in light of the above amendments and the following remarks.

#### **Rejections of the Specification**

The Abstract has been amended to correct the typographical error cited by the Examiner.

#### **Amendment of Claim 46**

Claim 46 has been amended, in part, to correct a typographical error. The pertinent limitation now states, "an allied application service platform that forms an intranet connected to the core network."

#### **Rejections Under 35 U.S.C. §112**

Claims 15 has been amended to include the limitation of a "network layer" rather than "layer 3."

#### **Rejections Under 35 U.S.C. §103**

Claims 1-78 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,452,915 to Jorgensen ("Jorgensen"), in view of U.S. Patent No. 6,546,425 to Hanson et al. ("Hanson"). Applicant respectfully traverses the Examiner's rejection. As the PTO recognizes in MPEP §2142,

*... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness. . .*

It is submitted that, in the present case, a prima facie case for obviousness does not exist because even when combined, the references do not teach the claimed subject matter.

Claim 1, has been amended to recite:

A method for a first user to communicate in an Internet Protocol (IP) centric distributed network with a plurality of service layers providing a plurality of functions associated with each of the service layers, the method comprising:

- accessing the network to establish a point of presence through an access interface layer at an access management layer and a core portion of the network and to designate a default amount of bandwidth and a plurality of default setup parameters, wherein the access management layer is access technology independent and the access interface layer is access technology specific;

- invoking service through an allied application server on the network to establish an amount of network resources requested by the first user;

- establishing a transport session to create and manage a connection from the first user to a destination address; and

- distributing a service session management functions among a plurality of components within the IP centric distributed network.

MPEP §2142 requires, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” However, since the cited text of neither Jorgensen nor Jones nor the combination thereof teaches “... accessing the network ... through an access interface layer at an access management layer ... wherein the access management layer is wireless technology independent and the access interface layer is wireless technology specific ... and distributing a service session management functions among a plurality of components within the IP centric distributed network” as claimed in the body of amended claim 1 of the present application, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met.

Accordingly, the combination of Jorgensen and Hanson fails to teach or suggest

the subject matter recited in claim 1 as a whole. Thus, for this mutually exclusive reason, the examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn. Claims 2-45 depend from and further limit claim 1 and therefore are also not taught or suggested by Jorgensen and Hanson independently or in combination for at least the same reason as claim 1.

Claim 46 has been amended to recite:

A communications network architecture for an Internet Protocol centric wireless network for a first user to communicate with a destination, the architecture comprising:  
a radio access network including:  
an access interface layer and  
an access management layer, wherein the access management layer is access technology independent and the access interface layer is access technology specific;  
a core network connected to the access management layer;  
an allied application service platform that forms an intranet network connected to the core network; and  
an application service platform within the Internet independent from the core network connected to the access management layer.

? MPEP §2142 requires, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." However, since the cited text of neither Jorgensen nor Jones nor the combination thereof teaches "... a radio access network including an access interface layer at an access management layer wherein the access management layer is wireless technology independent and the access interface layer is wireless technology specific; ... and an application service platform within the Internet independent from the core network connected to the access management layer" as claimed in the body of amended claim 46 of the present application, it is impossible to render the subject matter of claim 46 as a whole obvious, and the explicit terms of the statute cannot be met.

Accordingly, the combination of Jorgensen and Hanson fails to teach or suggest the subject matter recited in claim 46 as a whole. Thus, for this mutually exclusive reason, the examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn. Claims 47-75 depend from and further limit claim 46 and therefore are also not taught or suggested by Jorgensen and Hanson independently or in combination for at least the same reason as claim 46.

Claim 76 has been amended to recite:

A communications network architecture for an Internet Protocol centric wireless network for a first user to communicate to a destination, the architecture comprising:

a network service function layer within the wireless network, wherein the network service layer includes:

- a policy management server;
- a service accounting server;
- an authentication, authorization and accounting server;
- an unified directory within a directory server;
- a security gateway; and
- a mobility manager;

a local service function layer associated with the network service function layer within the wireless network, wherein the local service function layer includes:

- an authentication, authorization and accounting server;
- a security gateway;
- a policy enforcement server;
- a mobility manager;
- a network management server; and
- a wireless gateway;

an access management layer associated with the local service function layer, wherein the access management layer includes:

- a location tracking server;
- a connection management server;
- a plurality of protocol servers;
- a RF management server which includes power control, traffic control and channel assignment;
- an access management server includes access, termination and paging;

a domain database server which provides a local decision point to expedite service invocation for the first user;  
a policy enforcement server;  
a network management server; and  
a resource management server; and  
an access interface layer associated with the access management layer, wherein the access interface layer includes:  
a channel management server;  
a policy enforcement server;  
an administration and maintenance server; and  
a radio frequency server,  
wherein the access management layer is access technology independent and the access interface layer is access technology is access technology specific.

MPEP §2142 requires, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” However, since the cited text of neither Jorgensen nor Jones nor the combination thereof teaches “... a network service function layer. . .; a local service function layer . . .; an access management layer. . .; an access interface layer associated with the access management layer. . ., wherein the access management layer is access technology independent and the access interface layer is access technology specific” as claimed in the body of amended claim 76 of the present application, it is impossible to render the subject matter of claim 76 as a whole obvious, and the explicit terms of the statute cannot be met.

Accordingly, the combination of Jorgensen and Hanson fails to teach or suggest the subject matter recited in claim 46 as a whole. Thus, for this mutually exclusive reason, the examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn. Claims 77-78 depend from and further limit claim 76 and therefore are also not taught or suggested by Jorgensen and Hanson independently or in combination for at least the same reason as claim 76.

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**Conclusion**

It is respectfully submitted that independent claims 1, 46, and 76 are in condition for allowance. Dependent claims 2-45, 47-75, and 77-78 depend from and further limit the independent claims and therefore are allowable as well. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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